

2-Filing

1 RACHEL KREVANS (CA SBN 116421)  
WESLEY E. OVERSON (CA SBN 154737)  
2 MARCELO O. GUERRA (CA SBN 232431)  
RKrevans@mofo.com  
3 WOverson@mofo.com  
MGuerra@mofo.com  
4 MORRISON & FOERSTER LLP  
425 Market Street  
5 San Francisco, California 94105-2482  
Telephone: 415.268.7000  
6 Facsimile: 415.268.7522

7 MORTON AMSTER (*Pro Hac Vice*)  
KENNETH P. GEORGE (*Pro Hac Vice*)  
8 mamster@arelaw.com  
kgeorge@arelaw.com  
9 AMSTER, ROTHSTEIN & EBENSTEIN LLP  
90 Park Avenue, 21st Floor  
10 New York, NY 10016  
Telephone: 212.336.8000  
11 Facsimile: 212.336.8001

12 Attorneys for Defendant  
BAYER HEALTHCARE LLC  
13  
14  
15

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN FRANCISCO DIVISION  
19

20 ABBOTT DIABETES CARE INC. and  
ABBOTT LABORATORIES,

21 Plaintiffs,  
22

23 v.  
24

ROCHE DIAGNOSTICS CORP., and BAYER  
HEALTHCARE LLC,

25 Defendants.  
26  
27  
28

Case No. C05-03117 MJJ

**ADMINISTRATIVE MOTION TO  
REMOVE INCORRECTLY FILED  
DOCUMENTS AND [PROPOSED]  
ORDER**

PLEASE TAKE NOTICE that Defendant Bayer Healthcare LLC ("Bayer") hereby requests that the following document be removed from the Court's Electronic Case Filing system: Exhibit H attached to the Declaration of Jonathan Froemel in Support of Defendants' Motion to Compel Production of Documents and Deposition Testimony ("Exhibit H").

Exhibit H was electronically filed on March 26, 2007. On March 27, Bayer promptly informed the Court's staff that the document was intended to be filed under seal. A lock has been placed on the document to prevent access to the document by the public. Pursuant to the Court's guidance on electronic filing, Bayer hereby requests that the document be removed from the electronic filing system and filed under seal.

Dated: 3/27/2007

RACHEL KREVANS  
WESLEY E. OVERSON  
MARCELO GUERRA  
MORRISON & FOERSTER LLP

By: /s/ Marcelo Guerra  
Rachel Krevans  
Wesley Overson  
Marcelo Guerra  
Attorneys for Defendant  
BAYER HEALTHCARE LLC

Having considered Defendants' Administrative Motion, and good cause appearing thereof, Defendants' Motion is GRANTED.

IT IS HEREBY ORDERED that the following documents shall be removed from the Court's Electronic Filing System: Exhibit H attached to the Declaration of Jonathan Froemel in Support of Defendants' Motion to Compel Production of Documents and Deposition Testimony.

Dated: 30 March 07

Bernard Zimmerman  
Bernard Zimmerman  
United States Magistrate Judge

The Honorable Bernard Zimmerman  
United States District Court Judge

*See Order denying Sealing*  
*Order*

Case No. C05-03117 MJH

Date  
sf-2291537